

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

344 PROVIDENCE ROAD REALTY
TRUST, RICHARD J. WUNSCHER, and
NAUTILUS INSURANCE COMPANY,
Plaintiffs

v.

AMERICAN SAFETY RISK RETENTION
GROUP, INC. and ARCHITECTURAL
DELEADING, INC.
Defendants

CIVIL ACTION NO.: 04-40197-FDS

**MOTION OF DEFENDANT ARCHITECTURAL DELEADING, INC., THROUGH
SPECIALLY-APPEARING COUNSEL, TO EXTEND TIME FOR FILING ANSWER**

Now comes the defendant Architectural Deleading, Inc., through counsel, appearing specially, and moves the Court to extend the time for filing of an answer to the Amended Complaint filed in this matter on or about November 12, 2004.


As reason therefor, the defendant, through specially appearing counsel, states that an action remains pending in Worcester Superior Court, Civil Action No. 00-2384, Ellis, Administratrix v. 344 Providence Rd. Realty Trust, et al, in which the plaintiffs in this action, 344 Providence Road Realty Trust and Richard J. Wunschel, and the defendant in this action Architectural Deleading, Inc. are defendants with cross-claims against each other. These cross-claims raise some of the same issues as are raised before this Court in the Amended Complaint. A motion is pending in the Worcester Superior Court action to maintain the viability of the cross-claims while dismissing the claims of the plaintiff Ellis as having been settled. The defenses which may be raised in this court on behalf of Architectural Deleading,

Inc., including jurisdictional, service of process, and pendency of prior action defenses, may be affected by whether or not the state court cross-claims remain pending.

Accordingly, Architectural Deleading, Inc., through specially appearing counsel, respectfully requests that the time for its answer to the Amended Complaint be extended until twenty (20) days after resolution of the motions pending in the Worcester Superior Court to maintain the viability of the cross-claims.

The Defendant,
ARCHITECTURAL DELEADING, INC.

By Its Attorneys,
MORRISON MAHONEY LLP



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I hereby certify that a true copy of
the above document was served
upon the attorney of record for each
party by mail on _____.